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Agenda item 153
IRAQI AGGRESSION AND THE CONTINUED
OCCUPATION OF KUWAIT IN FLAGRANT
VIOLATIONS OF THE CHARTER OF THE
UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 12 July 1991 from the Chargé d'affaires a.i.
of the Permanent Mission of Kuwait to the United Nations
addressed to the Secretary-General

Upon instructions from my Government, and with reference to the request from the Hashemite Kingdom of Jordan, contained in document A/46/141, to include in the provisional agenda of the forty-sixth session of the General Assembly an item entitled "Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation", and the explanatory memorandum annexed to that request, I should like to state that my country welcomes the inclusion of the said item out of our substantial concern and interest in protecting the environment and natural resources, which are the property of the entire mankind, and preventing their use as a weapon of terrorism as we witnessed during the war of Kuwait's liberation.

However, we regrettably notice that in citing the environmental devastation suffered by Kuwait and the region the explanatory memorandum annexed to the request has overlooked the fact that this environmental calamity was not the result of military conflict (as the memorandum says), but was the product of a deliberate act that was planned in the very first days of the brutal Iraqi occupation of Kuwait. Our delegation has already asserted that in its memorandum addressed to Your Excellency on 20 August 1990 (S/21572) when the invading Iraqi forces set out then to mine all the vital Kuwaiti institutions and installations, including the oil facilities, thereby setting the stage to destroy them when the operation of liberating Kuwait begins. That is exactly what occurred, as the vanquished Iraqi forces applied

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the scorched-land policy by burning more than 700 oil wells, and they also destroyed all the oil refineries and gathering stations as well as the power and water desalinization plants, not to mention the other industrial and civil installations. All that was preceded by flooding several millions of oil barrels into the waters of the Arab Gulf, an act that constituted the most extensive pollution of the marine environment in history.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 153, and of the Security Council.

(Signed) Mohammad AL SALLAL
Chargé d'affaires a.i.



General Assembly Security Council

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Agenda item 153
IRAQI AGGRESSION AND THE CONTINUED
OCCUPATION OF KUWAIT IN FLAGRANT
VIOLATION OF THE CHARTER OF THE
UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 17 July 1991 from the Permanent Representative of
Kuwait to the United Nations addressed to the Secretary-General

Enclosed are some of the documents that were left behind by the Iraqi occupation forces in Kuwait after their defeat (see annex). They contain the instructions that were issued by the Iraqi military commands to their field units on the destruction of Kuwaiti oil wells and installations. These documents unveil, in detail, the Iraqi plans designed to cause the utmost devastation to the oil facilities in the shortest period of time possible.

I should be grateful if you would have this letter circulated as an official document of the General Assembly under agenda item 153, and of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

ANNEX

Confidential and personal

Instructions for the timed demolition of the Umm Qadir oil
field (43 wells)

1. Objective

To prepare the oil installations and vital targets in the Umm Qadir oil field (43 wells) for timed demolition.

2. Responsible commander

Major General Saleh Abbud, General Staff, Commander of the 3rd company, following the consent of the Commander General of the Armed Forces, and his alternate will be Major General Sabah Nuri Alwan, General Staff, Commander of the Rear Army Corps.

3. Classification

The demolition is classified at the present time as timed demolition.

4. Priorities

The targets in the Umm Qadir oil field all have the same priority.

5. Troops and duties

The commander of the demolition guard will be Lieutenant Colonel Salih Ahmad Sultan, General Staff, and his alternate will be Lieutenant Colonel Abd Muhammad Yasin.

First. Receipt of initial orders by form 823, annex A.

Second. Command of the demolition guard detachments and explosion sections at the demolition site.

Third. Ensuring protection of the demolition against enemy attack.

Fourth. Control of passers-by inside the demolition zone.

Fifth. Issuing of orders to the commander of the explosion section in writing with regard to replacement of the state of preparedness by form 822, annex B.

Sixth. Notifying the responsible commander or his alternate constantly of the position with regard to procedure of demolition preparation operations and the situation at the demolition site.

/...

Seventh. Submission of a report to the responsible commander on the degree of impact of the demolition after its completion.

(b) Demolition guard force

First. Company with 83rd Infantry Brigade responsible for protection of oil complex No. 17 and its nine oil wells in the southern part of the Umm Qadir field. Its commander is First Lieutenant Hamid Faza' Khalif, and his alternate is First Lieutenant Colonel Ilyas Muhammad Ali Abd al-Husayn.

Second. Company with 84th Brigade responsible for protecting complex No. 18 and its oil wells in the northern part of the Umm Qadir field. Its commander is First Lieutenant Colonel Azzu Mahmud Balu, and his alternate is Lieutenant Hasan Hadi Jabir.

Third. The demolition guard force has no other duty except that of protecting the oil wells, which number 43, and the oil installations in the southern and northern parts of the Umm Qadir oil field. The force must ensure full protection for the demolition targets and see that they do not fall into the hands of the enemy before the order is issued for explosion.

(c) Explosion section

The commander of the explosion section will be Lieutenant Colonel Sa'd Abd al-Samad Sa'idi, and his alternate will be Captain Dhiab Karim. The explosion section will have no other duty, and will be technically responsible for the demolition. The duties of the commander of the explosion section will be as follows:

First. To maintain the state of preparedness in accordance with orders.

Second. To investigate the system daily.

Third. To carry out the demolition upon orders and to ascertain its success.

Fourth. To give notification of the results of the demolition.

6. Measures

(a) The charges will be connected with regard to the oil wells, as explained in the plan in annex C. The other targets will be linked in the sensitive zones of the target.

(b) The demolition wires will be connected to each group of oil wells. The wires will be buried or covered with sandbags to prevent them being affected by enemy bombardment.

(c) Means of ignition are not to be introduced into the explosives until after the degree of preparedness 1 (security) has been raised to degree 2 (armament).

/...

(d) A reinforced position will be dug near each target group at a distance of 1,000 metres from the target/targets, to be manned by the officer responsible for the explosion with an explosive device.

(e) A reinforced position will be prepared for the commander of the guard section in the central zone so as to ensure that orders reach the explosion sections promptly. The headquarters of the commander of the demolition guard and the commanders of the demolition guard and the explosion section must be close to each other.

7. Communications

(a) Wireless communications shall be ensured with the commander of the demolition guard through the division command network.

(b) Wireless communications shall be ensured between the commander of the demolition guard and the commander of the explosion section.

(c) A liaison officer with a wireless apparatus operating through the division command network shall have no other duty except to transmit explosion orders to the commander of the demolition guard or the commander of the explosion section.

8. Report

Measures shall be scrutinized by the division personally. We have set up a committee headed by Lieutenant Colonel Salih Ahmad Sultan, General Staff, commander of the 84th Infantry Brigade, Lieutenant Colonel Sa'd Abd al-Samad Sa'idi, commander of the 3rd Armoured Engineering Battalion and Captain Ahmad Hamad Atiyah, Security Officer, to scrutinize and follow up the accuracy of measures taken to prepare the targets for timed demolition and completion of the necessary steps. The Committee will submit a daily report to HA, III Army Corps, endorsed by the division commander and set out on the annexed form (annex D).

9. General points

(a) The conduct of constant operations (day/night) until the orders for explosion are received.

(b) Preparation of targets for demolition and additional means.

(c) Ensuring that all targets have artillery units within range.

(d) Daily coordination with HAFL/3 on all problems and obstacles that emerge in the preparation of the targets for demolition.

(e) A detailed summary shall be given during the operation of taking over and surrendering the targets in accordance with the new plan.

/...

(f) Takeover of all demolition materials in accordance with the rules and with due documentation within 72 hours from the issuance of the above-mentioned instructions.

Brigadier General Sa'd Salih Mahdi, General Staff,
Commander of the XXIX Infantry Division

Brigadier General Sabah Matrud Shuwai', General,
Chief of General Staff, XXIX Division

Annexes

Annex A, form 823

Annex B, form 822

Annex C, charge connection locations

Annex D, form for follow-up report

/...

Form for orders to the commander of the demolition guard

Serial No. ()

Orders to the commander of the demolition guard

1. This form must be completed and signed before being handed over to the commander of the demolition guard.
2. When filling in the form, the blanks must be filled in or crossed out.
3. The officer having the authority of commander of the explosion is called "the responsible officer". From To

Section I

Initial instructions

1. (a) Specifications of the target:
(b) Location:
(c) Name and scale of map: Map No.:
(d) Coordinates:
(e) Cipher or code name (if any) for demolition target:
2. The responsible commander is:
(Mention position only.) If this officer is invested with the authority of another, this should be notified by one of the means set forth in item 4 below:
3. The explosion section will be commanded by:
4. All correspondence containing ciphers or code names (if any) and used in these orders will be transmitted to you by:
 - (a) The wireless network of the regular command;
 - (b) Special liaison officer in direct contact with the responsible commander; or
 - (c) A telephone call from the responsible commander; or
 - (d) The responsible commander in person; or

/...

(e) (Omission of paragraphs that are not relevant).

Note. All orders transmitted by letter in cipher or code (if any) shall begin as indicated in item 1, paragraph (c), with acknowledgement of receipt being required in all cases.

Section II

Change of states of preparedness

5. Preparations must be made for demolition so as to achieve the state of preparedness:

at on

6. Upon arrival at the demolition site, you must ascertain from the commander of the explosion section the estimated time for changing from state 1 (security) to state 2 (armament). You must ascertain that this information has been transmitted to the responsible commander and that acknowledgement of its receipt has been given.

7. The change of the state of preparedness from state 1 (security) to state 2 (armament) or from state 2 to state 1 must be effected by an order from the responsible commander. Nevertheless, the explosion section may be armed to carry out emergency demolition, if the commander of the explosion section is authorized to proceed on his own initiative.

8. You must record any changes in the state of preparedness in the table below, together with the explosion orders in the possession of the commander of the explosion section.

State of preparedness ordered	Time and date of change	Completion	Authorization	Receipt of order
1 (security)				
2 (armament)				

Note. If authorization is transmitted to an officer, his signature and rank shall be taken and entered in the column under the heading "authorization".

/...

9. You must inform the responsible officer of any changes that occur in the state of preparedness by the fastest possible means.

Section III

Explosion orders

10. You will be sent the explosion orders by the responsible commander.
11. Upon receipt of the orders, you must issue them as speedily as possible to the commander of the explosion section on the explosion orders (orders to the explosion section) form.
12. After the demolition has been carried out, you must notify the responsible commander of the direct results.
13. If the demolition fails or is only partially successful, you must provide protection for the explosion section until the demolition is completed, and you must report again upon its completion.

Section IV

Emergency explosion orders

Note. Cross out one of the subparagraphs of item 14 below. The orders issued hereby cannot be changed except by the issuance of a new form or in the event of emergencies by a special order or a code message if used in section V.

14. (a) You must not issue any order for explosion except on the basis of receipt of an order to that effect from the responsible commander.

(b) If you expect that the enemy will take over the target, you may order explosion on your own initiative.

Section V

When using ciphers

Measures to be taken

Ciphers

(when used)

- | |
|--|
| (a) Change the state of preparedness from 1 to 2; see item 7. |
| (b) Change the state of preparedness from 1 to 2; see item 7. |
| (c) Proceed with demolition; see item 10. |
| (d) Now cross out item 14; you are now authorized to proceed with explosion if you believe that the enemy will take over the target. |
| (e) Cross out item 14 (b); you must issue an order for explosion, after receipt of the order from the responsible commander. |
| (f) Special issuance instructions, if any. |

Section VI

Signature of officer issuing these orders:

Name:

Rank:

Appointed:

Time of issuance: Hour: Date:

/...

Section VII

Duties of the commander of the demolition guard

You are responsible for:

- (a) Commanding the demolition guard and the explosion section.
 - (b) Protection of the demolition from enemy attacks or saboteurs.
 - (c) Control of passers-by and fugitives.
 - (d) Issuing the demolition orders to the explosion section in order to change the state of preparedness.
 - (e) After the demolition, you are to submit a report to the responsible commander on the extent of its impact.
 - (f) Notifying the responsible commander of the situation with regard to movements at the demolition site.
16. You are to read the orders issued to the explosion section and the instructions issued.
17. The demolition guard must be positioned so as to ensure constant protection from all directions against all types of attack or threat of attack.
18. The commander of the explosion section will have control over the demolition, and you must agree with him on a choice of location for your headquarters and the explosion point, which must be coordinated as far as possible. Upon the establishment of these two locations, you must turn your attention to the technical requirements. The demolition must be visible from your post, and it must be in close proximity to the explosion point.
19. You must appoint your deputy and prepare a list showing seniority. It must be ascertained that everyone knows his seniority in the list, understands his duties and knows where this form is in the event of your absence from headquarters on grounds of necessity. The register of seniority must be known to the commander of the explosion section.
20. Upon issuance of the order for state of preparedness 2 (armament), you or your deputy must be at headquarters constantly in order to transmit orders rapidly to the commander of the explosion section.

In the Name of God, the Merciful, the Compassionate

The martyrs are nobler than all of us.

III Army Corps Command
General Staff
(Movements)

/...

Confidential and personal

No. /H2/ /8209

Date: 20 November 1990

- 2: III Armoured Division Command
V Motorized Division Command
VII Infantry Division Command
VIII Infantry Division Command
XIV Infantry Division Command
XVIII Infantry Division Command
XXIX Infantry Division Command
XLII Infantry Division Command

Subject/timed demolition

In order to reduce the time required to effect the blowing up of the wells once the order for this is issued, each group of wells is to be linked by a single demolition circuit and blown up at the same time.

We request action accordingly.

Salah Abbud Mahmud
Lieutenant Colonel, General Staff,
Commander of the III Army Corps
20 November 1990

Copy to:

ShA, III Army Corps - Your confidential and personal letter 321 of 16 November 1990. We request precise execution of the above and our notification.



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IRAQI AGGRESSION AND THE CONTINUED OCCUPATION
OF KUWAIT IN FLAGRANT VIOLATION OF THE
CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council a letter dated 19 July 1991 addressed to him by the Director-General of the International Atomic Energy Agency concerning the resolution adopted on 18 July 1991 by the Board of Governors of the Agency entitled "Iraq's non-compliance with its safeguards obligations" (see annex).

ANNEX

Letter dated 19 July 1991 from the Director-General of
the International Atomic Energy Agency addressed to
the Secretary-General

At its meeting on 18 July 1991 the Board of Governors of the International Atomic Energy Agency found that the Government of Iraq had not complied with its obligations under its safeguards agreement with the Agency. The resolution of the Board, adopted by 29 votes to 1, with 3 abstentions, is attached (see appendix).

Article XII.C of the Agency's Statute and Article III.2 of the Agreement Governing the Relationship Agreement between the United Nations and the International Atomic Energy Agency require the Board to report non-compliance with safeguards obligations to the Security Council and General Assembly of the United Nations. I would, therefore, appreciate it if you could bring the Board's finding to the urgent attention of the Security Council and of the General Assembly. A copy of the records of the Board's meeting will be sent to you as soon as they are available.

In accordance with Article VII of the Relationship Agreement, I am at the disposal of the Security Council should the Council so desire.

(Signed) Hans BLIX
Director-General

APPENDIX

Iraq's non-compliance with its safeguards obligations

Resolution adopted by the Board of Governors of the
International Atomic Energy Agency on 18 July 1991

The Board of Governors,

(a) Stressing the importance of non-proliferation of nuclear weapons to international and regional peace and security,

(b) Expressing grave concern about the conclusion of the report of the Director-General (GOV/2530) that the Government of Iraq has failed to comply with its obligations under its safeguards agreement with the International Atomic Energy Agency (INFCIRC/172),

(c) Recalling United Nations Security Council resolution 687 (1991), which, inter alia, called upon Iraq to declare all its nuclear activities to the International Atomic Energy Agency,

(d) Noting with appreciation the efforts of the Director-General and his staff to implement the tasks assigned to the Agency by that resolution, and the diligent and effective conduct of the Agency's inspections of Iraqi nuclear activities,

(e) Expressing grave concern about the evident deception and obstruction of the International Atomic Energy Agency inspectors in their efforts to carry out the Security Council's mandate in resolution 687 (1991) in violation of that resolution and the undertakings by Iraq governing the status, privileges and immunities of the Agency and the inspection teams mandated under Security Council resolution 687 (1991),

1. Finds, on the basis of the report of the Director-General in GOV/2530, that the Government of Iraq has not complied with its obligations under its safeguards agreement with the Agency (INFCIRC/172);

2. Condemns this non-compliance by the Government of Iraq with its safeguards agreement;

3. Calls upon the Government of Iraq to remedy this non-compliance forthwith, including placing any and all additional source and special fissionable material within Iraq's territory, under its jurisdiction or its control, regardless of quantity or location, under Agency safeguards in accordance with the relevant provisions of INFCIRC/172 and in accordance with relevant technical determinations of the Agency;

4. Decides, in accordance with Article XII.C of the Statute, to report this non-compliance to all members of the Agency and to the Security Council and General Assembly of the United Nations;

5. Calls upon Iraq to cease all obstruction or interference with the International Atomic Energy Agency inspection teams in their efforts to implement Security Council resolution 687 (1991);

6. Requests the Director-General to keep the Board and the General Conference informed of progress in the implementation of this resolution so that they may consider appropriate action in accordance with Article XII.C and XIX.B of the Statute in the event of the Government of Iraq's failing to take fully corrective action;

7. Decides to inscribe an item entitled "Iraq's non-compliance with its safeguards obligations" on the agenda of the September Board of Governors and requests the Director-General to include such an item in the provisional agenda for the thirty-fifth regular session of the General Conference.



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SECURITY COUNCIL
Forty-sixth year

THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

Letter dated 18 July 1991 from the Permanent Representative
of Honduras to the United Nations addressed to the
Secretary-General

I have the honour to submit to you herewith a copy of the draft Treaty on Central American Security submitted by the Government of Honduras in early July to the Governments of the other Central American countries (see annex). The Central American Presidents took cognizance of the draft at the tenth Regional Summit, held in the city of San Salvador on 15, 16 and 17 July 1991.

I respectfully request you to have this letter and the annex thereto circulated as an official document of the General Assembly, under item 28 of the agenda, and of the Security Council.

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative

Annex

TREATY ON CENTRAL AMERICAN SECURITY

The Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua,

Convinced that peace, development and welfare for their peoples depend on consolidation of the democratic system of government in each of these States,

Certain that the establishment of mutual confidence and regional détente and an end to the arms race depend on renouncing the threat or use of force against the sovereignty, territorial integrity or political independence of any State of the region,

Convinced that respect for human rights is a fundamental characteristic of democratic systems of government and a prerequisite for the maintenance of the peace and serenity of nations,

Determined to avoid by all possible means armed conflicts among the States of the isthmus,

Convinced that the maintenance of a stable and lasting peace requires the adoption of measures to build confidence among States and the establishment of a regional military balance,

Aware that the allocation of resources for the maintenance of a disproportionate military capability affects the economic and social endeavours of the Central American peoples,

Concurring in the desirability of establishing an effective system of cooperation, communication and coordination among the armed or security forces of the Central American region in order to promote the security of the isthmus,

Convinced that the pursuit of military superiority on the part of any of the Central American States would constitute a threat to regional security and a destabilizing factor in the area,

In the conviction that their security relies fundamentally on the international system for the maintenance of peace and that, accordingly, their armed services should be essentially defensive in nature,

Disposed to comply fully with the commitment contained in the Procedure for the establishment of a firm and lasting peace in Central America, also known as the Esquipulas Procedure, in particular the obligation to conclude negotiations on security, verification and arms control in the region,

/...

HAVE AGREED ON THE FOLLOWING
TREATY ON CENTRAL AMERICAN SECURITY

PART ONE

MEASURES TO BUILD CONFIDENCE AMONG THE STATES PARTIES

CHAPTER I

REPORTS

Article 1

The States of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, hereinafter referred to as "the Parties", agree on the following confidence-building measures:

(a) The Parties shall submit, in the first half of each year, reports on the composition and organization of their armed services, military installations, weaponry, matériel and equipment;

(b) The reports shall be exchanged in the Security Commission established under the Procedure for the establishment of a firm and lasting peace in Central America.

The reports shall be prepared in accordance with the inventory format agreed by the Security Commission, and shall include, for each ground or amphibious combat unit, down to the battalion level, all the data necessary for ensuring that the information supplied is complete, transparent and easily verifiable.

The same principle in respect of the supply of information shall apply to each air combat formation and single combat aircraft, and to naval and police forces, irrespective of their appellation, situation or line of command.

Article 2

The Parties shall also provide information on their respective military budgets for the current financial year, using the reporting instrument on military expenditures in standardized form adopted by the United Nations on 12 December 1980.

Each State Party may request from any other State Party, through the Security Commission, clarification of the information within the 60 days following the date on which it was delivered.

...

The Parties undertake to provide such clarification within the 60 days following the date of request.

CHAPTER II

RISK REDUCTION

Article 3

Each Party shall inform the others sufficiently in advance of any significant military activity which it is about to carry out.

Where, in a national emergency, such notification was not given because it was impossible to predict it, any Party may request an explanation of the situation from the other State, which shall be bound to conform within 24 hours.

If the explanations given are not considered satisfactory and sufficient, the Party concerned may request a meeting of the Security Commission to analyse the situation and take appropriate decisions. The meeting shall take place within the following 24 hours.

Article 4

If an incident of a military nature occurs between two or more of the Parties, the Ministers for Foreign Affairs shall immediately establish contact in order to analyse the situation, explain the facts, avoid an escalation of tension, put an end to any military activity and prevent the occurrence of further incidents.

To deal with such cases, the Parties shall establish a standing rapid communication procedure to facilitate immediate contact with their respective authorities.

Any Party may convene the Security Commission in connection with a military incident, if the direct channels of communication are not adequate for achieving the objectives referred to in the preceding paragraph. The meeting shall take place within 24 hours of the formulation of a formal request.

CHAPTER III
MILITARY CONTACTS

Article 5

In order to build confidence among themselves, the Parties shall encourage visits between the heads of the armed services; facilitate contacts between officers of these services; promote their joint attendance at professional courses and lectures; establish exchanges between scholars and experts in military studies and related areas; and organize cultural and sports events involving members of their armed services.

CHAPTER IV
PRIOR NOTIFICATION OF PARTICULAR MILITARY ACTIVITIES

Article 6

The Parties shall notify the other signatory States in writing through the diplomatic channel, without precluding informal communication through established military channels, at least 30 days in advance, of the following military activities:

- (a) Any ground, air or naval military manoeuvre, deployment or exercise less than 30 kilometres from the frontier with another State Party;
- (b) Any military manoeuvre in which more than 1,000 troops participate;
- (c) Any manoeuvre, deployment or exercise involving the participation of forces belonging to a country other than the one in whose territory it takes place;
- (d) Any manoeuvre, deployment or exercise in which 20 or more air sorties are made, including sorties of helicopter gunships;
- (e) Any manoeuvre, deployment or exercise involving more than 300 paratroop drops;
- (f) Any naval manoeuvre, deployment or exercise in which more than 100 troops participate;
- (g) Any manoeuvre, deployment or exercise in which 10 or more tanks participate, when it takes place less than 30 kilometres from the frontier with another State Party.

/...

Article 7

The obligation to notify within the period referred to in article 6 shall not apply to counterinsurgency operations carried out by one of the armed services. However, the State which conducts such operations must report them as soon as possible if they take place less than 20 kilometres from the frontier with another Party.

Article 8

Notification of military activities shall include the following information: the name of the activity; its purpose; the participating States; the number of troops and the type of weapons or equipment to be used and the places where they are to take place; and the dates on which they are to begin and end.

The number of units participating in the activity and the geographic coordinates of the points of arrival and of troop concentrations shall also be communicated.

CHAPTER V

OBSERVATION OF MILITARY ACTIVITIES

Article 9

The Parties undertake to invite the other Parties to send observers to follow the course of the activities referred to in article 6 of this Treaty.

It shall be understood that an invitation has been issued simply through notification of the activity, and the notified Party may accept within 10 days of receiving the notification. If it accepts the invitation, it may send not more than two observers.

The host State shall provide the observers with a programme containing all relevant details, such as dates and meeting places, means of transport, the various stages or phases of activity, its duration, and the arrangements made for the observers' food and board. The observer State shall pay the cost of the travel and stay of its observers.

Article 10

For the duration of their mission, the observers shall enjoy the privileges and immunities accorded to diplomats under the Vienna Convention on Diplomatic Relations.

Article 11

The observer State shall see to the security and well-being of the observers while the activity is in progress.

Article 12

The host State shall not be obliged to permit observation of restricted defence zones, installations or points.

PART TWO

OBLIGATIONS ARISING OUT OF THE ESQUIPULAS PROCEDURE

CHAPTER VI

OBLIGATIONS WITH REGARD TO THE PROHIBITION OF SUPPORT
FOR IRREGULAR FORCES

Article 13

The Parties reaffirm their obligation to refrain from giving any political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of the Government of one of the other Parties. In addition, they undertake to prevent their territory from being used for organizing or carrying out actions, military or otherwise, acts of sabotage, kidnappings or criminal activities in the territory of another State Party.

Article 14

The Parties shall exercise strict control to prevent their territory from being used to carry out any military action against another State Party.

Article 15

The Parties undertake to deny the use of and to dismantle any installation, equipment or facility providing logistical, operational or propaganda support which may be situated in their territory and is being used for the purpose of overthrowing, destabilizing or causing harm to the Government of one of the other Parties.

Article 16

The signatory States undertake to make every effort within their power to remove from their frontier areas any group or irregular force responsible for acts against another Party, and to disarm and intern their members or arrange for their admission by third countries.

CHAPTER VII

OBLIGATIONS WITH REGARD TO TRAFFIC IN ARMS

Article 17

The Parties pledge to combat the flow of arms, explosives and equipment towards persons, groups or organizations, irregular forces or armed bands trying to destabilize or overthrow the Government of another Party.

Article 18

In order to implement the provisions of the foregoing article, the Parties shall establish control mechanisms at airports, landing strips, harbours, terminals, border crossings, on roads, air routes, sea lanes and waterways, and at any other point likely to be used for the traffic in arms.

Article 19

On the basis of presumption or established facts, the Parties shall report any violations of this obligation to the Security Commission. The Party making the report shall provide the Security Commission with the evidence at its disposal in order to enable it to carry out the necessary investigation. The Commission shall submit such conclusions and recommendations as it may consider useful.

Whenever possible, the following information shall be supplied: source of the traffic in arms; persons involved; place where the armaments were manufactured; type of armaments, munitions, equipment or other types of military supplies; means of transport and transport routes both within and outside the region; bases for storing supplies; and the recipients or destination.

CHAPTER VIII

OBLIGATIONS WITH REGARD TO FOREIGN MILITARY ADVISERS

Article 20

The Parties shall submit to the Security Commission, in the first half of each year, a report on the foreign military advisers or other foreign elements participating in military, paramilitary or security activities in its territory.

Article 21

Each Party shall keep a list of the advisers engaged in activities of a technical nature related to training or to the installation and maintenance of military equipment; a copy of the list shall be submitted to the Security Commission. The list shall be kept in conformity with the respective agreements or contracts. The Security Commission shall be entitled to propose to the Parties reasonable limits on the number of such advisers.

CHAPTER IX

OBLIGATIONS WITH REGARD TO TERRORISM, SUBVERSION AND SABOTAGE

Article 22

The Parties pledge not to give political, military, financial or any other support for acts of subversion, terrorism or sabotage intended to destabilize or overthrow the Government of a State Party.

Article 23

They also pledge not to organize, instigate or participate in acts of terrorism, subversion or sabotage against another State Party and shall refrain from acquiescing activities within their territory directed towards the commission of such criminal acts.

Article 24

The Parties pledge to abide by or, as the case may be, accede at the earliest opportunity to the following international treaties and conventions:

- (a) Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;

/...

(b) Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion That are of International Significance, 1971;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;

(e) International Convention against the Taking of Hostages, 1979;

(f) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 1925;

(g) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 1971.

Article 25

The Parties shall initiate, within 30 days following the signature of this Treaty, the necessary constitutional procedures with a view to becoming parties, if they have not already done so, to the international treaties and conventions referred to in the preceding article.

Article 26

The Parties shall take measures in their respective territories to prevent individuals belonging to foreign terrorist groups or organizations from engaging in criminal acts. To that end, they shall strengthen cooperation between migration offices and police departments and other competent authorities.

CHAPTER X

PROHIBITIONS REGARDING THE POSSESSION OF WEAPONS OF MASS DESTRUCTION OR WHICH HAVE INDISCRIMINATE EFFECTS

Article 27

The Parties shall refrain from acquiring, maintaining or permitting the stationing in their territories of chemical, radiological or bacteriological weapons. The Parties also pledge not to build or permit the construction in their respective territories of installations which may be used to manufacture or stockpile those types of weapons.

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Article 28

The Parties reaffirm the commitments which they undertook in the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), of 14 February 1967.

CHAPTER XI

COOPERATION FOR THE PROTECTION OF THE ENVIRONMENT AND IN CASES
OF NATURAL DISASTERS

Article 29

The Parties shall establish cooperation mechanisms which shall allow them to provide each other with assistance in cases of natural disasters, and in search and rescue missions in cases of accidents.

Article 30

Likewise, they shall cooperate, through their respective armed services, to protect the environment, in particular in frontier areas with one or more States Parties.

For the purposes of this and the preceding article, the Parties shall draw up contingency plans which shall enable them to establish timely and adequate coordination.

CHAPTER XII

OBLIGATIONS WITH RESPECT TO PREVENTION OF DRUG-TRAFFICKING

Article 31

The Parties shall promote cooperation in the prevention of traffic in drugs and narcotic substances in conformity with the regional and subregional agreements to which they are parties. To that end, they shall establish speedy and effective mechanisms for communication and cooperation among the national authorities responsible for combating traffic in drugs and narcotic substances, and shall provide the competent authorities with the material and human resources of the armed services.

CHAPTER XIII

DIRECT COMMUNICATION SYSTEMS

Article 32

The Parties shall establish a regional communication system to guarantee timely liaison between the competent governmental, civil and military authorities, among themselves and with the Security Commission, for the purpose of preventing incidents and facilitating fulfilment of the other commitments assumed under this Treaty.

PART THREE

HUMANITARIAN LAW AND HUMAN RIGHTS

Article 33

The Parties pledge to devise programmes for ensuring participation, by members of their respective armed services, in courses, seminars or conferences on humanitarian law and in the theory and practice of protecting and promoting human rights as a basis of the system of democracy and law.

To that end, they may jointly or separately request the assistance of such international bodies and organizations as they may deem appropriate.

PART FOUR

ESTABLISHMENT OF MAXIMUM LIMITS FOR ARMAMENTS AND MILITARY PERSONNEL

Article 34

The Parties shall renew their commitment to renounce the threat and use of force for settling disputes that might arise among them. They shall reaffirm their commitment to apply pacific means for settling international disputes.

Article 35

The Parties shall renounce the pursuit of military superiority in the region and pledge to establish a military balance at the lowest possible level, in respect for the right of each State to its own security.

Article 36

The Parties shall agree, within the 24 months following the entry into force of this Treaty, on their respective maximum limits for military personnel and armaments.

Article 37

The limits to the number of military personnel and armaments shall be determined by the Security Commission, in line with the list of factors approved by it at the meeting held on 12 and 13 April 1991 in the city of Managua, Nicaragua.

Article 38

Observance of the agreed limits shall be mandatory for each of the Parties as from 1 January 1994.

Nevertheless, in the event of internal armed conflict the Security Commission may authorize the Parties to exceed the agreed limits for so long as the conflict exists. The new units and armaments shall be used exclusively for combating counterinsurgency. As soon as the circumstances giving rise to authorization for exceeding the limits have ceased to exist, the Parties shall pledge strictly to abide by the maximum limits which preceded the conflict.

PART FIVE

VERIFICATION AND CONTROL

Article 39

It shall be the responsibility of the Security Commission to ensure that the commitments covered in this Treaty are verified and controlled, in line with the following functions:

- (a) To ensure implementation of the measures referred to in the Treaty, such as the delivery and updating of inventories of armaments and military personnel and installations, as well as their periodic updating;
- (b) To agree, within the deadlines specified in this Treaty, on the maximum limits for armaments and military personnel to which the Parties shall be entitled, within the set parameters;
- (c) To establish a register of every transfer of arms to the Parties;
- (d) To verify full compliance by the Parties of the agreed maximum limits for the armaments and personnel;

/...

(e) To verify that no new arms or systems which, qualitatively or quantitatively, alter the established maximum limits are introduced, and that arms prohibited by this Treaty are not introduced;

(f) To verify that the purchases of arms and equipment for replacement purposes are in line with the previously established inventories and registers;

(g) To monitor implementation of this Treaty as regards traffic in arms, explosives and equipment;

(h) To monitor implementation of this Treaty as regards irregular forces and the non-use of the territory of the Parties for acts of destabilization against another Party;

(i) To monitor implementation of the procedures for notifying the military manoeuvres referred to in this Treaty and for notifying the other matters specified herein;

(j) To investigate every accusation of violation of the commitments assumed in this Treaty, to make the report thereon and to make such recommendations as it may deem appropriate; and

(k) To carry out its investigations by means of inspections in situ, the collection of evidence and any other procedure which it may deem necessary for performing its functions. For the purpose of carrying out its functions the Commission shall receive all the requisite facilities from the Parties as well as their prompt and full collaboration.

Article 40

The Commission shall establish its own rules of procedure.

Article 41

The Commission shall formulate, for immediate action, recommendations for a solution and further investigation or for penalizing the Parties. Should one of the Parties declare that it disagrees with the recommendations, the matter shall be taken up by the Executive Commission of Esquipulas II.

Article 42

With effect from the date of signature of this Treaty, the Parties shall refrain from taking any action whereby the purpose and intentions of the Treaty may be frustrated.

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Article 43

Within the 30 days following signature of this Treaty, the Parties shall initiate the constitutional formalities for its adoption and ratification.

Article 44

Any dispute concerning the interpretation or implementation of this Treaty which cannot be settled through the procedure specified in this part of the Treaty shall be submitted to the Executive Commission for its settlement by consensus.

Article 45

Should this procedure fail, the Executive Commission, with the votes of at least three of the Parties, shall recommend another procedure for the pacific settlement of the dispute, in accordance with Article 33 of the Charter of the United Nations and article 24 of the Charter of the Organization of American States. The recommendation of the Executive Commission shall be mandatory.

Article 46

Five years after the entry into force of this Treaty, or earlier if requested by at least two of the Parties, the Parties shall assemble in order to evaluate it and to take whatever action they may deem appropriate.

Article 47

This Treaty shall be ratified in accordance with the constitutional procedures of each Party. The instruments of ratification shall be deposited in the Ministry of Foreign Affairs of the Republic of Honduras.

Article 48

This Treaty shall enter into force eight days after the date on which the fifth instrument of ratification is deposited.

Article 49

This Treaty shall not admit reservations.

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Article 50

This Treaty shall be registered by the depositor with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.
